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**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/095,397	06/10/98	KUSCHKE	W 233

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MM42/1028

EXAMINER

MANCHO, R

ART UNIT

PAPER NUMBER

2831

DATE MAILED:

10/28/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/095,397

Applicant(s)
Kuschke W. et al

Examiner
Ronnie Mancho

Group Art Unit
2831

☒ Responsive to communication(s) filed on Jun 10, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-7 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-7 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the applicants have used the legal phraseology "means" in line 5 of the abstract. The applicants are advised to use some other appropriate word for example --webs-- or --walls--, etc. In addition, the abstract is full of grammatical errors and mixed up ideas. The applicants are advised to rewrite the abstract in proper idiomatic English. Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because of the following informalities:

Page 1 of the specification needs to be rewritten in proper idiomatic English.

On page 3, lines 8-14 needs to be written in proper idiomatic English. The ideas are mixed up. In line 17, the examiner suggests that "The substrate from" be written as --The substrate made from--.

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On page 4, the examiner suggests that in lines 3&4 “, in particular polymer with the embedded metal particles” be canceled for clarity.

On page 6, lines 6&7, the examiner suggests that “from outside” be canceled for clarity. In line 12, the examiner suggests that “circuit unit” be written as --circuit units-- for clarity.

The applicants are advised to carefully go through the disclosure and correct all other errors not pointed out by the examiner.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claims 1-7 are objected to because of the following informalities:

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In claim 1, line 1, the examiner suggests that "comprising" be written as --comprising:--.

In line 2, the examiner suggests that "interior and opened at least" be written as --interior, said housing body opened at least--.

In lines 4&5, the examiner suggests that "individual circuit units and screened from one another, said means including a substrate and applied " be written as --individual circuit units, said circuit units screened from one another; said means including a substrate applied-- for clarity.

In line 6, the examiner suggests that "said cover and a plurality" be written as --said cover; and a plurality-- for clarity.

In line 7, the examiner suggests that "housing said web" be written as --housing body said webs-- for clarity.

In claim 7, the grammatical errors in claim 7 are similar to those of claim 1 except that in claim 7, line 7, the examiner suggests that "which are formed on said substrates" be written as --formed on said cover" because "said substrates" lack antecedent basis. Due to confusion of the scope of the claims, the examiner will interpret the claims as best understood.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

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7. Claims 1, 2, 5, & 6 (as best understood) are rejected under 35 U.S.C. 102(e) as being anticipated by Kaneshige A. et al (EP 0756446 A1).

Regarding claim 1, Kaneshige A. et al (fig. 12) discloses a screening housing 11 for microwave circuits comprising: a housing body having an interior, said housing body opened at least at one side; a cover closing said interior of said housing body; means forming a plurality of chambers provided for accommodating of individual circuit units, said circuit units screened from one another; said means including a substrate (nickel plating, col. 4, lines 4-6) applied on an inner side 12 of said cover; and a plurality of webs 13 formed on the said substrate (nickel plating, col. 4, lines 4-6) so that when said cover closes said housing body, said webs 13 form separating walls between said chambers.

Regarding claim 2, Kaneshige A. et al (fig. 12) discloses the screening housing, wherein said housing body is composed of an electromagnetic energy screening material (nickel, copper plating, col. 4, lines 4-6).

Regarding claim 5, Kaneshige A. et al (fig. 12) discloses the screening housing, wherein said substrate (nickel plating, col. 4, lines 4-6) and webs 13 are formed of one piece with one another.

Regarding claim 6, Kaneshige A. et al (fig. 12, col. 4, lines 4-6) discloses the screening housing, wherein said substrate (nickel plating, col. 4, lines 4-6) and webs 13 are composed of the same material.

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Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3, 4, & 7 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneshige et al in view of Chung et al (5827997).

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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Regarding claim 3, Kaneshige A. et al (fig. 12) discloses the screening housing, but did not particularly mention that the substrate is composed of a polymer with embedded metal particles. However, Chung et al (col. 1, lines 39+) teaches of an electromagnetic shielding material composed of a polymer with embedded metal particles. Therefore, it would have been obvious to one of ordinary skill in the art of microwave screening, at the time the invention was made, to make the substrate of the Kaneshige et al device to comprise a polymer with embedded metal particles because a polymer with embedded metal particles is cheaper as taught by Chung, col. 1, lines 30+.

Regarding claim 4, Kaneshige A. et al (fig. 12) discloses the screening housing, but did not particularly mention that the substrate is composed of a silicone mass with embedded metal particles. However, Chung et al (col. 5, line 65) teaches of an electromagnetic shielding material, wherein a substrate (matrix) is composed of a silicone mass with embedded metal particles. Therefore, it would have been obvious to one of ordinary skill in the art of microwave screening, at the time the invention was made, to make the substrate of the Kaneshige et al device to comprise a silicone mass with embedded metal particles because it is cheaper as taught by Chung et al, col. 2, line 24.

Regarding claim 7, Kaneshige A. et al (fig. 12) discloses a screening housing for microwave circuits comprising: a housing body having an interior, said housing body opened at least at one side; a cover closing said interior of said housing body; means forming a plurality of chambers provided for accommodating of individual circuit units, said circuit units screened from

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one another; said means including a substrate (nickel plating, col. 4, lines 4-6) applied on an inner side 12 of said cover; and a plurality of webs 13 formed on said cover so that when said cover closes said housing body, said webs 13 form separating walls between said chambers. Although Kaneshige A. et al (fig. 12) discloses said means forming a plurality of chambers, they did not particularly mention that the means is composed of a polymer with embedded metal particles. However, Chung et al (col. 5, lines 64+) teaches of an electromagnetic shielding material composed of a polymer (matrix) with embedded metal particles. Therefore, it would have been obvious to one of ordinary skill in the art of microwave screening, at the time the invention was made, to make the substrate of the Kaneshige et al device to comprise a polymer with embedded metal particles because it is cheaper as taught by Chung et al, col. 2, line 24.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pressler et al (5550713), and Gabower (5811050) both disclose a screening housing for microwave circuits.

Communications

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Ronnie Mancho, Phone # 703 305-6318. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Kristine Kincaid could be reached at 703-308-0640.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be forwarded to the Group receptionist at 703 308-0956.

Ronnie M. Mancho

October 19, 1999.

Kristine Kincaid
Kristine Kincaid
Supervisory Patent Examiner
Technology Center 2800